

RCRA REVISION CHECKLIST 175

HWIR-Media

63 FR 65874-65947

November 30, 1998

(RCRA Cluster IX, HSWA/non-HSWA provisions)

Notes : 1) While not included in this revision checklist, this rule adds new requirements to Part 271. Specifically, it adds the procedures for a State to receive authorization for rules listed as acceptable for abbreviated application requirements.

2) The revisions to 40 CFR 260.10, 264.1(j) intro, 264.101(d), 264.552(a), 264.553(a), 264.554, 265.1(b), 268.2(c), 268.50(g), 270.2, 270.42 Appendix I, and 270.230(e)(1) were promulgated pursuant to HSWA. Because these provisions are not more stringent, they are immediately effective only in those States not authorized for the base RCRA program. The revisions to 40 CFR 261.4(g), 264.1(j)(1)-(13), 264.73(b)(17), 270.11(d), 270.68, 270.73(a), and Part 270 Subpart H (except 270.230(e)(1)) were promulgated relative to non-HSWA authority. The 264.1(j) introductory paragraph is also a non-HSWA provision to the extent that it addresses the requirements that remediation waste management units can meet in lieu of 40 CFR Part 264, Subparts B, C and D. Those provisions designated as HSWA are identified by a "♦" (diamond symbol) in this checklist.

3) Revision Checklist 121 added 40 CFR 264, Subpart S addressing Corrective Action Management Units (CAMUs) and Temporary Units. The rule addressed by that checklist limited the use of CAMUs and Temporary Units to remedies under 40 CFR 264.101 or RCRA §3008(h) (corrective action). The rule addressed by Revision Checklist 175 expands the availability for use of these units to permitted facilities that are not subject to 40 CFR 264.101. States may be authorized for Revision Checklist 175 without being authorized for Revision Checklist 121 if the authorization, relative to the use of CAMUs and Temporary Units, is limited to permitted facilities that are not subject to 40 CFR 264.101. This limitation needs to be addressed in Section XV (EE) of the Attorney General's Statement. At that entry, the State should also cite its analogs to 40 CFR 260.10 ("disposal facility", "landfill", "miscellaneous unit", and "remediation waste"), 264.552(b)-(h), 264.553(b)-(g), 265.1(b), 268.2(b), 270.2 ("disposal facility"), and 270.42, Appendix I. These other provisions need to be cited by the State and reviewed by the Region to assure that all of the design and operating requirements for CAMUs and Temporary Units are included in the State's regulations and authorized. In the "Remarks of the Attorney General", the State's Attorney General must include a statement that, relative to 40 CFR 264, Subpart S, the State is not seeking authorization for the corrective action uses of CAMUs and Temporary Units. If the State is also not authorized for Revision Checklist 17L (Corrective Action), the State should also limit the use, and in turn the authorization, of staging piles in a similar fashion.

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL						
SUBPART B - DEFINITIONS						
DEFINITIONS						
remove “266, 268, and 270 through”	260.10(intro)					
replace existing definition of “ <i>corrective action management unit or CAMU</i> ” with new definition of “ <i>corrective action management unit (CAMU)</i> ”	260.10 “corrective action management unit (CAMU)”					
add third definition numbered “(3)”, a remediation waste management site is not facility subject to 264.101, but is subject to corrective action if site is located within such facility	260.10 “facility”					
replace “40 CFR part 146” with “part 146 of this chapter”; remove “or” prior to “unit eligible”; insert “a” prior to “research”; replace “§ 270.65” with “40 CFR 270.65, or staging pile”	260.10 “miscellaneous unit”					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†, ♦ replace “, which” with “that” after “debris”; replace “which” with “that” prior to “themselves”; remove “waste” after “exhibit a hazardous”; replace “, that” with “and” after “characteristic”; remove “the purpose of” prior to “implementing”; replace “implementing corrective” with “implementing cleanup”; delete remainder of text beginning with “action requirements...”	260.10 “remediation waste”					
†, ♦ add “remediation waste management site”	260.10 “remediation waste management site”					
†, ♦ add “staging pile”	260.10 “staging pile”					

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

EXCLUSIONS

† add new paragraph; dredged material subject to permit issued under the Federal Water Pollution Control Act or section 103 of Marine Protection, Research, and Sanctuaries Act of 1972 is not hazardous waste; for 261.4(g), following definitions apply:	261.4(g) intro					
† <i>dredged material</i> has the same meaning as defined in 40 CFR 232.2;	261.4(g)(1)					
† definition of <i>permit</i>	261.4(g)(2) intro					
	261.4(g)(2)(i)					
	261.4(g)(2)(ii)					
	261.4(g)(2)(iii)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART A - GENERAL						
PURPOSE, SCOPE AND APPLICABILITY						
add new paragraph; subparts B, C, and D of 264 and 264.101 do not apply to cleanup only remediation waste management sites; owners/operators of remediation waste management sites must:	264.1(j) intro					
add new paragraph; obtain an EPA identification number;	264.1(j)(1)					
add new paragraph; obtain a detailed chemical and physical analysis of the hazardous remediation wastes; minimum requirements of analysis	264.1(j)(2)					
add new paragraph; prevent people who are unaware of danger from entering, and minimize entry of unauthorized people or livestock onto active portion of remediation waste management site; exceptions	264.1(j)(3) intro					
	264.1(j)(3)(i)					
	264.1(j)(3)(ii)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add new paragraph; inspect remediation waste management site for problems that may cause or lead to release of hazardous waste; owner/operator must inspect often enough to correct problems before they harm or lead to hazards to human health or environment; where hazard is imminent or already occurred, owner/operator must take immediate remedial action	264.1(j)(4)					
† add new paragraph; provide personnel with training	264.1(j)(5)					
† add new paragraph; prevent ignition or reaction of ignitable, reactive or incompatible waste	264.1(j)(6)					
† add new paragraph; for certain sites design, construct, operate, and maintain unit within 100-year floodplain to prevent washout of hazardous waste	264.1(j)(7)					
† add new paragraph; not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave;	264.1(j)(8)					
† add new paragraph; develop and maintain construction quality assurance program for certain units	264.1(j)(9)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† add new paragraph; develop and maintain procedures to prevent accidents and contingency and emergency plans to control accidents; required procedures	264.1(j)(10)					
† add new paragraph; designate at least one employee to coordinate all emergency response measures; emergency coordinator requirements	264.1(j)(11)					
† add new paragraph; develop, maintain and implement plan to meet 264.1(j)(2)-(j)(6) & (j)(9)-(j)(10) requirements	264.1(j)(12)					
† add new paragraph; maintain records documenting compliance with 264.1(j)(1)-(j)(12)	264.1(j)(13)					

SUBPART E - MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

OPERATING RECORD

† add new paragraph; any records required under 264.1(j)(13)	264.73(b)(17)					
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SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS

CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

†, ♦ add new paragraph; does not apply to remediation waste management sites unless part of a facility subject to permit for treating, storing or disposing of hazardous wastes that are not remediation wastes	264.101(d)					
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RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART S - CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS						
CORRECTIVE ACTION MANAGEMENT UNITS (CAMU)						
completely revise paragraph; Regional Administrator may designate an area at facility as CAMU for purpose of implementing remedies under 264.101 or RCRA 3008(h) or to implement remedies at a facility that is not subject to 264.101; CAMU must be located within contiguous property under owner/operator control where wastes originated; one or more CAMUs may be designated at facility	264.552(a) intro					
reprinted, no change	264.552(a)(1)					
reprinted, no change	264.552(a)(2)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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TEMPORARY UNITS (TU)

†, ♦ completely revise paragraph; Regional Administrator may designate unit as temporary unit, for temporary tanks and container storage areas used to treat or store hazardous remediation wastes under 264.101 or RCRA 3008(h), or at permitted facility not subject to 264.101; temporary unit must be located within contiguous property under owner/operator control where wastes originated; Regional Administrator may replace Part 264/265 design, operating, or closure standard with alternative requirements which protect human health and environment

264.553(a)

†, ♦ STAGING PILES

add new section; section written in special format to make regulatory requirements easier to understand; establishes enforceable legal requirements; "I" and "you" refer to owner/operator

264.554 intro

definition of staging pile; location requirements; designated by Director in accordance with 265.554

264.554(a)

use of staging pile

264.554(b)

staging pile designation, information requirements

264.554(c) intro

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
sufficient and accurate information to enable Director to impose standards and design criteria according to 264.554(d)-(k);	264.554(c)(1)					
certification by an independent, qualified, registered professional engineer for technical data, unless Director determines that certification is not necessary to ensure protection of human health and environment; and	264.554(c)(2)					
any additional information Director determines necessary to protect human health and environment	264.554(c)(3)					
staging pile performance criteria	264.554(d) intro					
standards and design criteria must:	264.554(d)(1) intro					
facilitate a reliable, effective and protective remedy;	264.554(d)(1)(i)					
be designed to prevent or minimize releases of hazardous wastes and hazardous constituents, and control cross-media transfer, protect human health and environment; and	264.554(d)(1)(ii)					
not operate for more than 2 years, except when Director grants extension under 264.554(i); time limit is measured from the first time remediation waste placed into staging pile; records maintenance requirements	264.554(d)(1)(iii)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
in setting standards and design criteria, Director must consider:	264.554(d)(2)					
length of time pile will be in operation	264.554(d)(2)(i)					
volumes of wastes intended to be stored	264.554(d)(2)(ii)					
physical and chemical characteristics of wastes	264.554(d)(2)(iii)					
potential for releases	264.554(d)(2)(iv)					
hydrogeological and other environmental conditions that may influence migration of potential releases;	264.554(d)(2)(v)					
3 potential for human and environmental exposure	264.554(d)(2)(vi)					
ignitable or reactive remediation waste must not be placed in staging pile unless:	264.554(e) intro					
remediation waste has been treated, rendered or mixed so that:	264.554(e)(1)					
remediation waste no longer meets definition of ignitable or reactive under 261.21 or 261.23; and	264.554(e)(1)(i)					
waste complies with 264.17(b); or	264.554(e)(1)(ii)					
remediation waste is protected from exposure to any material or condition that might cause it to ignite or react	264.554(e)(2)					
“incompatible waste” is defined in 260.10; you must comply with the following:	264.554(f) intro					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
incompatible remediation wastes must not be placed in same staging pile unless you have complied with 264.17(b);	264.554(f)(1)					
if remediation waste in pile is incompatible with waste stored in nearby containers, other piles, open tanks or land disposal units, incompatible materials must be separated or protected from one another by dike, berm, wall or other device; and	264.554(f)(2)					
remediation waste must not be piled on same base where incompatible wastes were previously piled, unless base has been decontaminated to comply with 264.17(b)	264.554(f)(3)					
placement of remediation wastes into staging pile does not constitute land disposal or create a unit subject to RCRA 3004(o)	264.554(g)					
Director may allow staging pile to operate for up to 2 years after waste is first placed into pile; except as provided in 264.554(i), staging pile may not be used after time designated in permit, closure plan, or order	264.554(h)					
operating extension for a staging pile	264.554(i) intro					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Director may grant one operating term extension of up to 180 days beyond specified limit; sufficient and accurate information to enable Director to determine that continued operation of staging pile:	264.554(i)(1)					
will not pose threat to human health and environment; and	264.554(i)(1)(i)					
is necessary to ensure timely and efficient implementation of remedial actions at facility	264.554(i)(1)(ii)					
Director may specify further standards and design criteria to ensure protection of human health and environment	264.554(i)(2)					
closure requirement for staging pile located in previously contaminated area	264.554(j) intro					
within 180 days of operating term expiration, staging pile must be closed when located in previously contaminated area by removing or decontaminating all:	264.554(j)(1)					
remediation waste;	264.554(j)(1)(i)					
contaminated containment system components; and	264.554(j)(1)(ii)					
structures and equipment contaminated with waste and leachate	264.554(j)(1)(iii)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
contaminated subsoils must also be decontaminated in manner and according to schedule that Director determines will protect human health and environment	264.554(j)(2)					
264.554(j)(1)-(2) requirements must be in permit, closure plan, or order	264.554(j)(3)					
closure requirement for staging pile located in uncontaminated area	264.554(k) intro					
within 180 days of operating term expiration, staging pile must be closed when located in uncontaminated area according to 264.258(a) & 264.111; or 265.258(a) & 265.111	264.554(k)(1)					
264.554(k)(1) requirement must be in permit, closure plan, or order in which the pile was designated	264.554(k)(2)					
modification of existing permit, closure plan, or order to allow use of staging pile	264.554(l) intro					
to modify permit, other than RAP, to incorporate staging pile or staging pile operating term extension, either:	264.554(l)(1)					
Director must approve modification under procedures in 270.41; or	264.554(l)(1)(i)					
Class 2 modification must be requested under 270.42	264.554(l)(1)(ii)					
to modify RAP, comply with modification requirements under 270.170 and 270.175	264.554(l)(2)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
to modify closure plan follow applicable requirements under 264.112(c) or 265.112(c)	264.554(l)(3)					
to modify order follow terms of order and applicable provisions of 270.72(a)(5) or (b)(5)	264.554(l)(4)					
Director must document rationale for designating staging pile or staging pile operating term extension and make documentation available to the public	264.554(m)					

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A - GENERAL

PURPOSE, SCOPE, AND APPLICABILITY

†, ♦ replace “40 CFR 264.552 and 40 CFR 264.553” with “40 CFR 264.552, 264.553, and 264.554”	265.1(b)					
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PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

†, ♦ insert “or staging pile” after “corrective action management unit”	268.2(c)					
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RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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SUBPART E - PROHIBITIONS ON STORAGE

PROHIBITION ON STORAGE OF RESTRICTED WASTES

†, ◆, 4 add new paragraph; prohibition and requirements in 268.50 do not apply to hazardous remediation wastes stored in staging pile approved pursuant to 265.554	268.50(g)					
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART A - GENERAL INFORMATION

DEFINITIONS

† add "Remedial Action Plan (RAP)"	270.2					
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SUBPART B - PERMIT APPLICATION

SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS

†, 5, 6 redesignate 270.11(d) as 270.11(d)(1); replace "must make" with "shall make"; in certification statement, replace "in accordance with" with "according to"; remove "be" in "to be the best of my knowledge"	270.11(d)(1)					
† add new paragraph; for RAPs under 270 subpart H, owner may make the certification at 270.11(d)(2) instead of 270.11(d)(1); certification statement	270.11(d)(2)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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SUBPART D - CHANGES TO PERMITS

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

†, ♦ add entries D.3.g and N.3 as follows:	270.42, Appendix I					
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Modifications												Class
*	*	*	*	*	*	*	*	*	*	*	*	*
D. Closure												
*	*	*	*	*	*	*	*	*	*	*	*	*
3.	Addition of the following new units to be used temporarily for closure activities:											
*	*	*	*	*	*	*	*	*	*	*	*	*
	g. Staging piles											2
*	*	*	*	*	*	*	*	*	*	*	*	*
N. Corrective Action:												
*	*	*	*	*	*	*	*	*	*	*	*	*
3.	Approval of a staging pile or staging pile operating term extension pursuant to § 264.554											2

SUBPART F - SPECIAL FORMS OF PERMITS

† REMEDIAL ACTION PLANS (RAPs)

7 add new section; RAPs are special forms of permits regulated under 270 subpart H	270.68					
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SUBPART G - INTERIM STATUS

TERMINATION OF INTERIM STATUS

†, 8 insert “, except an application for a remedial action plan (RAP) under subpart H of this part,” following “application”	270.73(a)					
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RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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SUBPART H - REMEDIAL ACTION PLANS (RAPs)

† WHY IS THIS SUBPART WRITTEN IN A SPECIAL FORMAT?

add new subpart; subpart is written in special format to make regulatory requirements easier to understand; establishes enforceable legal requirements; "I" and "you" refer to owner/operator	270.79					
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† WHAT IS A RAP?

explanation of a RAP; when RAPs may be issued	270.80(a)					
requirements in 270.3-270.66 do not apply to RAPs unless specifically required under 270.80-270.230; 270.2 definitions apply	270.80(b)					
any document meeting 270.80 requirements constitutes a RCRA permit under RCRA 3005(c)	270.80(c)					
a RAP may be:	270.80(d) intro					
a stand-alone document; or	270.80(d)(1)					
part of another document	270.80(d)(2)					
RAPs do not affect cleanup obligations under Federal or State authorities	270.80(e)					
RAP received at facility operating under interim status does not terminate the interim status	270.80(f)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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† WHEN DO I NEED A RAP?

treatment, storage, or disposal of hazardous remediation wastes in manner requiring permit under 270.1, either obtain:	270.85(a) intro					
permit according to 270.3-270.66; or	270.85(a)(1)					
RAP according to 270 subpart H	270.85(a)(2)					
treatment units that use combustion of hazardous remediation wastes at remediation waste management site are not eligible for RAPs under 270 subpart H	270.85(b)					
RAP can be obtained for managing hazardous remediation waste at permitted facility; the RAP must be approved as permit modification according to 270.41 or 270.42; certain 270.42 requirements do not apply; upon modification, RAP is part of permit; what requirements apply when permit is subsequently modified, revoked and reissued, terminated or when it expires	270.85(c)					

† DOES MY RAP GRANT ME ANY RIGHTS OR RELIEVE ME OF ANY OBLIGATIONS?

the provisions of 270.4 apply to RAPs	270.90					
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RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

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† HOW DO I APPLY FOR A RAP?						
to apply for RAP, complete & sign application and submit to Director according to 270 subpart H requirements	270.95					
† WHO MUST OBTAIN A RAP?						
when facility or remediation waste management site is owned by one person, but treatment, storage or disposal activities are operated by another, operator must obtain a RAP	270.100					
† WHO MUST SIGN THE APPLICATION AND ANY REQUIRED REPORTS FOR A RAP?						
both owner & operator must sign RAP application according to 270.11(a)-(c); both owner & operator must also make the 270.11(d)(1) certification; owner may choose 270.11(d)(2) certification if operator certifies under 270.11(d)(1)	270.105					
† WHAT MUST I INCLUDE IN MY APPLICATION FOR A RAP?						
the following must be included in application for RAP:	270.110 intro					
name, address, & EPA identification number of site;	270.110(a)					
name, address, & telephone number of owner & operator;	270.110(b)					
latitude & longitude of site;	270.110(c)					
USGS or county map showing location of site;	270.110(d)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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scaled drawing of site showing:	270.110(e) intro					
site boundaries;	270.110(e)(1)					
significant physical structures; and	270.110(e)(2)					
boundary where remediation waste is to be treated, stored or disposed;	270.110(e)(3)					
specification of hazardous remediation waste to be treated, stored or disposed of; include information on:	270.110(f) intro					
constituent concentrations & other properties that may affect treatment and/or management;	270.110(f)(1)					
waste quantity estimate; and	270.110(f)(2)					
description of processes used to treat, store, or dispose of waste before subjecting to part 268;	270.110(f)(3)					
enough information to demonstrate compliance with applicable requirements of parts 264, 266, & 268;	270.110(g)					
information necessary for Regional Administrator to carry out duties under other laws for traditional permits under 270.14(b)(20);	270.110(h)					
any other information the Director decides is necessary to protect human health & environment	270.110(i)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† WHAT IF I WANT TO KEEP THIS INFORMATION CONFIDENTIAL?						
any or all information submitted to EPA under 270 subpart H can be claimed confidential; to assert claim, stamp "confidential business information" on each page; information claimed as confidential will be subjected to 40 CFR part 2 procedures; without a claim, information may be made available to public without further notice; any requests for name and/or address confidentiality will be denied	270.115					
† TO WHOM MUST I SUBMIT MY RAP APPLICATION?						
applications for RAP must be submitted to Director	270.120					
† IF I SUBMIT MY RAP APPLICATION AS PART OF ANOTHER DOCUMENT, WHAT MUST I DO?						
when submitting applications for RAP as part of another document, clearly identify the components constituting your RAP	270.125					
† WHAT IS THE PROCESS FOR APPROVING OR DENYING MY APPLICATION FOR A RAP?						
Director will make tentative decision on RAP application if all 270.110 information requirements are included & proposed remediation waste management activities meet regulatory standards; Director will prepare draft RAP & provide opportunity for public comment	270.130(a)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Director may request additional information or ask that deficiencies be corrected; failure or refusal to provide additional information or to correct deficiencies may be cause for tentative application denial; after tentative denial, Director prepares Notice of Intent (NOI) and provides opportunity for public comment; Director may deny all or part of application	270.130(b)					

† WHAT MUST THE DIRECTOR INCLUDE IN A DRAFT RAP?

if Director prepares draft RAP, it must include:	270.135 intro					
information required under 270.110(a)-(f);	270.135(a)					
terms & conditions:	270.135(b) intro					
terms & conditions to ensure compliance with applicable requirements of parts 264, 266, & 268; Director may incorporate applicable requirements of parts 264, 266, & 268 into RAP or establish site-specific conditions as required by parts 264, 266, & 268;	270.135(b)(1)					
terms & conditions in 270.30;	270.135(b)(2)					
terms & conditions in 270.170; and	270.135(b)(3)					
any additional terms or conditions Director determines necessary to protect human health & environment; and	270.135(b)(4)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if part of another document, Director must clearly identify components that constitute draft RAP	270.135(c)					

† WHAT ELSE MUST THE DIRECTOR PREPARE IN ADDITION TO THE DRAFT RAP OR NOTICE OF INTENT TO DENY?

once the Director has prepared draft RAP or NOI to deny, he must:	270.140 intro					
prepare statement of basis briefly describing derivation of draft RAP conditions & reasons for them, or rationale for NOI to deny;	270.140(a)					
compile an administrative record, including:	270.140(b) intro					
RAP application & supporting data;	270.140(b)(1)					
draft RAP or NOI to deny;	270.140(b)(2)					
statement of basis & all documents cited therein; and	270.140(b)(3)					
any other documents that support decision; and	270.140(b)(4)					
make information in administrative record available to public	270.140(c)					

† WHAT ARE THE PROCEDURES FOR PUBLIC COMMENT ON THE DRAFT RAP OR NOTICE OF INTENT TO DENY?

Director must:	270.145(a) intro					
send notice of intention to approve or deny, and copy of statement of basis;	270.145(a)(1)					
publish notice of intention to approve or deny in major local newspaper;	270.145(a)(2)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
broadcast intention to approve or deny over local radio station; and	270.145(a)(3)					
send notice of intention to approve or deny to local government and each State agency having authority over any construction or operations at site	270.145(a)(4)					
notice required in 270.145(a) must provide opportunity for public to submit written comment within 45 days	270.145(b)					
notice required in 270.145(a) must include:	270.145(c) intro					
name & address of office processing application;	270.145(c)(1)					
name & address of applicant, & if different, site or activity to be regulated;	270.145(c)(2)					
brief description of activity to be regulated;	270.145(c)(3)					
name, address & telephone number of person with further information;	270.145(c)(4)					
brief description of comment procedures & any other public participatory procedures;	270.145(c)(5)					
date, time, location & purpose of hearing, if one is scheduled	270.145(c)(6)					
statement of procedures to request hearing, if one is not scheduled;	270.145(c)(7)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
location of administrative record & public inspection times; and	270.145(c)(8)					
any additional information considered necessary by Director	270.145(c)(9)					
Director must hold informal public meeting if written notice of opposition is received; Director may also decide an informal hearing is appropriate; hearing must allow for written or oral comments; hearing at convenient location & notice according to 270.145(a) must be given; include 270.145(c) information in notice and:	270.145(d) intro					
reference date of any previous public notices;	270.145(d)(1)					
date, time and place of hearing; and	270.145(d)(2)					
brief description of nature & purpose of hearing	270.145(d)(3)					

† HOW WILL THE DIRECTOR MAKE A FINAL DECISION ON MY RAP APPLICATION?

Director must consider & respond to significant comments and revise draft RAP as appropriate	270.150(a)					
if Director determines RAP includes 270.135 requirements, final approval decision will be issued, & notification provided	270.150(b)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
if Director determines RAP does not include 270.135 requirements, final denial decision will be issued, & notification provided	270.150(c)					
if Director decides tentative decision to deny was incorrect, NOI to deny will be withdrawn & preparation of draft RAP will proceed	270.150(d)					
when Director issues final decision, 270.155 procedures for appeal must be referenced	270.150(e)					
before issuing final decision, Director must compile administrative record; materials not physically needed in record; final RAP record must include draft RAP information and:	270.150(f)					
all comments received;	270.150(f)(1)					
tapes or transcripts of hearings;	270.150(f)(2)					
written materials submitted;	270.150(f)(3)					
responses to comments;	270.150(f)(4)					
new material;	270.150(f)(5)					
other supporting documents; and	270.150(f)(6)					
copy of final RAP	270.150(f)(7)					
Director must make administrative record available for public review	270.150(g)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

† MAY THE DECISION TO APPROVE OR DENY MY RAP APPLICATION BE ADMINISTRATIVELY APPEALED?

any commenter or public hearing participant may appeal decision to approve or deny a RAP application under 124.19; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision; notice of RAP application review will be given under 270.145; notice will include:	270.155(a) intro					
briefing schedule;	270.155(a)(1)					
statement that an amicus brief may be filed; and	270.155(a)(2)					
information specified in 270.145(c), as appropriate	270.155(a)(3)					
this appeal is prerequisite to judicial review	270.155(b)					

† WHEN DOES MY RAP BECOME EFFECTIVE?

RAP becomes effective 30 days after approval unless:	270.160 intro					
Director specifies later date;	270.160(a)					
RAP is appealed under 270.155; or	270.160(b)					
no change requested in draft RAP, in which case it becomes effective immediately	270.160(c)					

† WHEN MAY I BEGIN PHYSICAL CONSTRUCTION OF NEW UNITS PERMITTED UNDER THE RAP?

physical construction of newly permitted units must not begin before final RAP is received	270.165					
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RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

† AFTER MY RAP IS ISSUED, HOW MAY IT BE MODIFIED, REVOKED AND REISSUED, OR TERMINATED?

RAP must specify procedures for modifications, revocations and reissuance, or termination; procedures must provide for public review & comment; if RAP is part of traditional RCRA permit, will be modified according to 270.40-270.42, revoked & reissued according to 270.41 & 270.43, or terminated according to 270.43	270.170					
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† FOR WHAT REASONS MAY THE DIRECTOR CHOOSE TO MODIFY MY FINAL RAP?

final RAP may be modified on Director's initiative for following reasons only; if reasons don't exist, RAP only modified at your request; reasons for modification:	270.175(a) intro					
material & substantial alterations or additions were made;	270.175(a)(1)					
new information found that would have justified different conditions at RAP issuance;	270.175(a)(2)					
standards or regulations on which RAP was based have changed;	270.175(a)(3)					
if RAP includes compliance schedules, Director may find reason to modify	270.175(a)(4)					
not in compliance with RAP;	270.175(a)(5)					
all relevant facts not disclosed or were misrepresented;	270.175(a)(6)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Director determines authorized activity endangers human health or environment; or	270.175(a)(7)					
Director notified of proposed transfer of RAP	270.175(a)(8)					
notwithstanding provisions in 270.175, Director may modify RAP permit as necessary to assure compliance with parts 124, 260-266 and 270	270.175(b)					
suitability of facility location will not be reevaluated unless new information indicates threat to human health or environment	270.175(c)					

† FOR WHAT REASONS MAY THE DIRECTOR CHOOSE TO REVOKE AND REISSUE MY FINAL RAP?

final RAP may be revoked & reissued on Director's initiative for following reasons only; if reasons don't exist, RAP only revoked & reissued at your request; reasons for revocation and reissuance are same as those for modification in 270.175(a)(5)-(8)	270.180(a)					
suitability of facility location will not be reevaluated unless new information indicates threat to human health or environment	270.180(b)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

† FOR WHAT REASONS MAY THE DIRECTOR CHOOSE TO TERMINATE MY FINAL RAP, OR DENY MY RENEWAL APPLICATION?

final RAP may be terminated or renewal application denied on Director's initiative, for same reasons as in 270.175(a)(5)-(7)	270.185					
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† MAY THE DECISION TO APPROVE OR DENY A MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF MY RAP BE ADMINISTRATIVELY APPEALED?

any commenter or public hearing participant may appeal decision to approve RAP modification, revocation & reissuance or termination according to 270.155; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision	270.190(a)					
any commenter or public hearing participant may appeal decision to deny RAP modification, revocation & reissuance or termination; persons who did not comment or participate in hearings may only petition for review of changes made between draft & final RAP decision	270.190(b)					
informal appeals process:	270.190(c) intro					
letter sent to Environmental Appeals Board; briefly set forth facts in letter	270.190(c)(1)					
Environmental Appeals Board has 60 days to act	270.190(c)(2)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
appeal considered denied if no action taken within 60 days	270.190(c)(3)					
informal appeal is prerequisite to judicial review	270.190(d)					

† WHEN WILL MY RAP EXPIRE?

RAPs issued for fixed term not to exceed 10 years, although up to 10 year renewals are possible; Director must review RAP for LDR 5 years after issuance or reissuance and assure continued compliance with RCRA 3004 & 3005	270.195					
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† HOW MAY I RENEW MY RAP IF IT IS EXPIRING?

to renew expiring RAP, follow application & issuance process in 270 subpart H	270.200					
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† WHAT HAPPENS IF I HAVE APPLIED CORRECTLY FOR A RAP RENEWAL BUT HAVE NOT RECEIVED APPROVAL BY THE TIME MY OLD RAP EXPIRES?

if RAP renewal application has been submitted, but no new RAP has been issued before expiration date, previous RAP conditions continue	270.205					
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† WHAT RECORDS MUST I MAINTAIN CONCERNING MY RAP?

records are required of:	270.210 intro					
data used to complete applications & supplemental information submitted, for at least 3 years; and	270.210(a)					
any operating and/or other records the Director requires	270.210(b)					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

† HOW ARE TIME PERIODS IN THE REQUIREMENTS IN THIS SUBPART AND MY RAP COMPUTED?

any time period scheduled to begin on occurrence of act or event begins on day after act or event	270.215(a)					
any time period scheduled to begin before occurrence of act or event is computed so period ends on day before act or event	270.215(b)					
if final day of time period falls on weekend or holiday, extend time period to next working day	270.215(c)					
whenever party must act within prescribed period & is served notice by mail, add 3 days to prescribed period	270.215(d)					

† HOW MAY I TRANSFER MY RAP TO A NEW OWNER OR OPERATOR?

when transferring RAP to new owner/operator, follow requirements for RAP modification; not "significant" modifications for purposes of 270.170; revised RAP application submitted by new owner/operator no later than 90 days before change along with transfer of responsibility date	270.220(a)					
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RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
when ownership transfer occurs, old owner/operator must comply with 264 subpart H until new owner/operator demonstrates compliance with 264 subpart H; new owner/operator must demonstrate compliance with 264 subpart H within 6 months; when new owner/operator compliance demonstrated, Director notifies old owner/operator	270.220(b)					
† WHAT MUST THE STATE OR EPA REGION REPORT ABOUT NONCOMPLIANCE WITH RAPs?						
State or EPA Region must report RAP noncompliance according to 270.5	270.225					
† MAY I PERFORM REMEDIATION WASTE MANAGEMENT ACTIVITIES UNDER A RAP AT A LOCATION REMOVED FROM THE AREA WHERE THE REMEDIATION WASTES ORIGINATED?						
remediation waste management RAP may be requested for location removed from area of waste origination if location is more protective	270.230(a)					
if Director determines location removed from area of waste origination is more protective, RAP for alternative location may be approved	270.230(b)					
RAP must be requested and approved or denied, according to 270 subpart H requirements	270.230(c)					
RAP for alternative location must also meet following:	270.230(d) intro					

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
issued to person responsible for cleanup from which remediation wastes originated;	270.230(d)(1)					
subject to expanded public participation requirements in 124.31-124.33;	270.230(d)(2)					
subject to public notice requirements in 124.10(c);	270.230(d)(3)					
site may not be within 61 meters or 200 feet of a fault;	270.230(d)(4)					
alternative locations are waste remediation sites and retain following benefits:	270.230(e)					
♦ facility-wide corrective action exclusion under 264.101; and	270.230(e)(1)					
application of 264.1(j) in lieu of 264, subparts B, C, & D	270.230(e)(2)					

† Optional.

¹ The “corrective action management unit” definition at §270.2 should have also been revised by the HWIR-media rule in the same fashion as this definition was revised in §260.10. Thus, the two definitions are inconsistent. A State adopting this rule, should revise its analogs to both definitions.

² Section 264.1(j) intro is a HSWA provision as it applies to facility-wide corrective action at remediation waste management site and a non-HSWA provision to the extent that it addresses the requirements relative to 40 CFR Part 264, Subparts B, C, and D.

³ Note that there is a typographical error in this provision; the ending semicolon should be a period.

⁴ There appears to be an omission in 268.50(g). Following “prohibition and requirements in this” should probably be “section” to refer to the 268.50 prohibitions.

⁵ In redesignating 270.11(d) as 270.11(d)(1), in the November 30, 1998 rule (63 FR 65941), it appears as though the title of paragraph (d), “*Certification*”, has been removed. It is assumed that 270.11(d) intro remains in the code but only contains the paragraph's title, “*Certification*”.

RCRA REVISION CHECKLIST 175: HWIR-Media (cont'd)

- ⁶ There appears to be an omission in 270.11(d)(1). Following “paragraph (a) or (b) of this” the word “section” should be reinserted to refer to 270.11(a) & (b).
- ⁷ The November 30, 1998 (64 FR 65874) rule adds a new section at 270.68. There is no § 270.67; therefore, it is assumed to be reserved.
- ⁸ In revising this provision, EPA has replaced the ending “; or” with a period. This appears to be an error as interim status terminates when either 270.73(a) or 270.73(b) occurs. When adopting this Rule, States are advised to leave the ending “; or” intact at 270.73(a).